

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)	
FOR BENEFICIAL WATER USE PERMIT)	FINAL ORDER
NO. 75737-s76H BY BURNS E. AND)	
WILMA B. FINLAYSON AND ALAN J. AND)	
GAYLA W. FINLAYSON)	

* * * * *

The time period for filing exceptions, objections, or comments to the Proposal for Decision in this matter has expired. No timely written exceptions were received. Therefore, having given the matter full consideration, the Department of Natural Resources and Conservation hereby accepts and adopts the Findings of Fact and Conclusions of Law as contained in the August 30, 1991, Proposal for Decision, and incorporates them herein by reference.

WHEREFORE, based upon the record herein, the Department makes the following:

ORDER

Application for Beneficial Water Use Permit No. 75737-s76H by Burns E. and Wilma B. Finlayson and Alan J. and Gayla W. Finlayson is hereby denied.

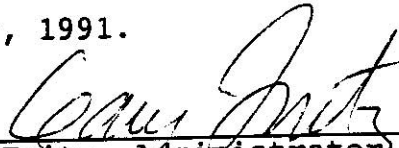
NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within 30 days after service of the Final Order.

CASE # 75737

FILMED
NOV 25 1991

Dated this 26 day of September, 1991.


Gary Fritz, Administrator
Department of Natural Resources
and Conservation
Water Resources Division
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6605

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Final Order was duly served upon all parties of record at their address or addresses this 27th day of September, 1991 as follows:

Burns E. Finlayson
Wilma B. Finlayson
748 Willow Cr. Crossroad
Corvallis, MT 59828

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Gayla W. Finlayson
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Daly Ditches Irrigation Dist.
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Ronald T. Conklin, Sr.
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Michael P. McLane, Manager
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Cindy G. Campbell
Hearings Unit Legal Secretary

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT)
NO. 75737-s76H BY BURNS E. AND) PROPOSAL FOR DECISION
WILMA B. FINLAYSON AND ALAN J. AND)
GAYLA W. FINLAYSON)

* * * * *

Pursuant to the Montana Water Use Act and to the contested case provisions of the Montana Administrative Procedure Act, a hearing was held in the above-entitled matter on July 24, 1991, in Missoula, Montana.

Applicants Wilma B. Finlayson, Alan Finlayson, Gayla W. Finlayson and Burns E. Finlayson appeared at the hearing by and through Burns E. Finlayson, hereafter Applicant.

Objectors Richard and Barbara Lavender appeared at the hearing by and through Richard Lavender.

Objector Daly Ditches Irrigation District appeared at the hearing by and through Susie Birse.

Objectors James N. and Joan I. Cox appeared at the hearing pro se.

Objectors Bruce and Joan Chesebro appeared at the hearing pro se.

Objectors Fred and Joann C. Hosko appeared at the hearing pro se.

Objector Quentin Brown appeared at the hearing pro se.

George Gates, a former water commissioner on Willow Creek, appeared at the hearing as an interested person.

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Michael P. McLane, Manager of the Missoula Water Resources Regional Office of the Department of Natural Resources and Conservation (Department), attended the hearing.

Objectors Ronald T. Conklin, Sr., Ronald R. Stock, and Marianne Stock did not appear at the hearing and had not made other arrangements with the Hearing Examiner; therefore, in accordance with ARM 36.12.208, they are in default and their objections are dismissed.

EXHIBITS

Applicants' Exhibit 1 is a copy of an aerial photograph that has the proposed place of use, the section numbers, and the boundary of Section 11, Township 6 North, Range 20 West, Ravalli County¹ highlighted in yellow. The proposed point of diversion is identified by a small arrow and the letters P.O.D. in blue ink.

Applicants' Exhibit 2 is a copy of a plat map showing the location of the lots to be irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11.

Objectors Cox's Exhibit 1 is a photograph of Willow Creek as it flowed on July 23, 1991.

Objectors Hosko's Exhibit 1 is a photograph of Willow Creek above the headgate at the bridge to Frontier Log Homes, taken on July 23, 1991.

Objectors Hosko's Exhibit 2 is a photograph of Charley's

¹Unless otherwise specified all land descriptions in this proposal are located in Township 6 North, Range 20 West, Ravalli County.

Gulch at the confluence of Willow Creek, taken on July 23, 1991.

Objectors Hosko's Exhibit 3 is a photograph of Charley's Gulch just above Objectors Hosko's headgate on Applicants' property, taken on July 23, 1991.

Objectors Hosko's Exhibit 4 is a photograph of Objectors Hosko's headgate on Willow Creek, taken on July 23, 1991.

Department's Exhibit 1 consists of seven pages which are photocopies of a computer printout of water rights listing by source name by priority date. The objectors' water rights are highlighted in yellow.

Department's Exhibit 2 consists of four pages which are photocopies of pages 41, 42, 43, and 44 of the Ravalli County Water Resources Survey.

Department's Exhibit 3 consists of two pages which are enlarged photocopies of two pages of maps in the Ravalli County Water Resources Survey.

Department's Exhibit 4 consists of five pages of white bond paper to which photographs have been affixed. A description of each photograph is written on the paper either directly under the photograph or beside it.

All Exhibits were accepted into the record without objection.

The Department file was made available for review by all parties who had no objections to any part of it; therefore, the Department file is entered into the record in its entirety.

PRELIMINARY MATTERS

In order to fully understand the water rights in the Willow Creek area, the Hearing Examiner took administrative notice of the Water Resources Survey of Ravalli County and the Willow Creek Decree No. 931 in the Department records.

The Hearing Examiner, having reviewed the record in this matter and being fully advised in the premises, does hereby make the following:

FINDINGS OF FACT

1. Section 85-2-302, MCA, states in relevant part, "Except as otherwise provided in (1) through (3) of 85-2-306, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or distribution works therefor except by applying for and receiving a permit from the department."

2. Burns, Wilma, Alan and Gayla Finlayson duly filed the above-entitled Application with the Department on September 25, 1990 at 11:15 a.m.

3. Pertinent portions of the Application were published in the Ravalli Republic on January 30, 1991.

4. The Applicants propose to divert 448 gallons per minute (gpm) not to exceed 100 acre feet per year of the waters of Charley's Gulch at a point in Lot 17, Block 18, Hamilton Heights, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, for irrigation of 45.20 acres. The proposed place of use is 38 acres in Lots 13 through 16, Block 18, Hamilton Heights located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.20 acres in Lot 17, Block 18, Hamilton Heights, located in the

N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 11. The proposed period of use is from April 30 through September 30, inclusive of each year.

(Department file and testimony of Applicant.)

5. Although Applicant stated in his application that he intended to use a 15 horsepower pump, during the hearing Applicant proposed to install a ten horse power pump at a pumping station with a dam and a measuring weir. The water would be pulled directly from Charley's Gulch through the measuring weir into a sump then it would be pumped through a pipe to the place of use for sprinkler irrigation. A flow meter would most likely be installed on the pipeline between the pump and the sprinklers. (Testimony of Applicant.)

6. Applicant contends that the water coming down Willow Creek is not administered properly and that the measuring weirs now in existence in Willow Creek cannot accurately measure water. Applicant also maintains that if there were devices "recognized by the State of Montana as legal measuring weirs", enough water would be "saved" that the amount of water requested in this Application could be appropriated without adversely affecting the Objectors. As the Applicant "understands the State law, and if it is enforced correctly, if there's no measuring weir that will measure the water to Montana standards, there would be no water delivered." Further the Applicant believes that acceptable measuring weirs have been described in the water law of Montana. (Testimony of Applicant.)

7. Applicant, if granted a permit, would be willing to

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cease appropriating when a prior water right owner called for the water only if that person had installed a "legal" measuring device. The person who would determine whether the measuring device was adequate would be a water commissioner. (Testimony of Applicant.)

8. Applicant owns Lots 13 through 17 of Block 18 of the Hamilton Heights Subdivision. (Applicant's Exhibit 2 and testimony of Applicant.)

9. Water was physically available in Charley's Gulch on June 12, 1991. (Department's Exhibit 4.) Applicant Burns Finlayson's son, Reed Finlayson, measured the water in Willow Creek on September 10, 1990. According to his calculations, 1,740 gpm was flowing in Charley's Gulch that day. (Department file.)

10. Charley's Gulch is a tributary to Willow Creek. Willow Creek is a decreed stream, which has in the past had a water commissioner, although not every year. A water commissioner has not been required for several years up to the present. When Marion Gregg was the water commissioner, about 10 years ago, all persons to receive water were required to have measuring devices. However, during this period, the Objectors did not receive their full allotment of water. (Testimony of Objectors Cox, Chesebro, Brown, Lavender, and Hosko.)

11. Charley's Gulch is a stream with well-defined banks and channel. Most of the water in Charley's Gulch is "waste" water. It is not clear what the source of this water is. There are

several ditches which cross Charley's Gulch, the Bitterroot Irrigation District Ditch, the Bass Ditch, the High Line Ditch and Low Line Ditch and the Rock Ditch. (Department's Exhibits 2, and 3.) The water in Charley's Gulch could be seepage from any one or combination of these ditches, return flows from upstream irrigation from these ditches, or it could be Willow Creek water that was taken out upstream and is now returning to the source, or a combination of these sources. There is also some natural flow from snow melt and rain fall. (Department's Exhibits 2, 3, and 4 and testimony of Applicant, Bruce Chesebro, and Quentin Brown.)

12. Applicant believes the waste water in Charley's Gulch is not part of Willow Creek water and is available for appropriation if it is captured before it gets to Willow Creek. (Testimony of Applicant.)

13. From midsummer to fall, the flow of Charley's Gulch contributes approximately 30 percent of the Willow Creek flow. During high water periods, the flow of Charley's Gulch contributes approximately less than one percent of the flow of Willow Creek. (Testimony of Applicant.)

14. Objectors Cox filed Statements of Claim No. W147573-76H and W147574-76H with the Water Courts, claiming a priority date of August 31, 1966, for both. Statement of Claim No. W147573-76H claims a flow rate of 1.5 cubic feet per second (cfs) of the waters of Willow Creek for irrigation. Statement of Claim No. W147574-76H claims a flow rate of 1.5 cfs for stock water. The

amount of water in Willow Creek at the Cox's point of diversion has been less and less in the past five years. In a normal year, irrigation would begin in April. Recent years, Objectors Cox consider themselves lucky if they can begin irrigating by the first part of June. As it gets later in the year there is some high water, then the water in the Willow Creek decreases gradually until they can no longer irrigate. Objectors Cox believe Willow Creek is over-appropriated.

According to Department's Exhibit 1, Objectors Cox's point of diversion is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 which is upstream of the confluence of Charley's Gulch and Willow Creek and could not be adversely affected by the proposed project. However, in a letter received on March 18, 1991, by Michael McLane, Objectors Cox state their property is located in Section 10 and on an enclosed map have marked their property in Section 10. If this is true, Objectors Cox are located approximately three-quarters of a mile downstream from Applicant's point of diversion. (Testimony of Objectors Cox, Department's Exhibit 1 and Department file.)

15. Objectors Hosko have filed Statements of Claim No. W027606-76H, W027607-76H, W027608-76H, W027609-76H, and W027610-76H with the Water Court. All of these Statements of Claim except W027610-76H are for decreed water from Willow Creek with priority dates of 1871, 1873, and 1880. Statement of Claim W027610-76H claims a priority date of 1943 and is intended to claim the waste water and return flows from Cow Creek, Charley's

Gulch, and the Bitterroot Irrigation District ditch. According to George Gates, the Hoskos would receive very little water if they were not allowed to appropriate these waste waters because their priority date is so late. Objectors Hosko have two points of diversion. One is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 and the other is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11. (Department file and testimony of Objectors Hosko and Witness George Gates.)

16. Objectors Chesebro have filed Statements of Claim No. W118391-76H, W118388-76H, W118390-76H, and W118389-76H with the Water Court. Statement of Claim No. W118391-76H claims a decreed right with a priority date of June 1, 1873, to appropriate 30 gpm for stock water from Willow Creek. Statement of Claim No. W118388-76H claims a decreed right with a priority date of June 1, 1873, to appropriate 1.25 cfs of the waters of Willow Creek for irrigation. Statement of Claim No. W118390-76H claims a decreed right with a priority date of May 1, 1887, to appropriate 30 gpm for stock water from Willow Creek. Statement of Claim No. 118389-76H claims a decreed right with a priority date of May 1, 1887, to appropriate 1.75 cfs from Willow Creek for irrigation. Objectors Chesebro have also filed as part owners of the water right claimed by Statements of Claim No. W004080-76H and W004079-76H, both for irrigation, each with a decreed flow rate of 2.25 cfs with a priority date of April 1, 1860. Objectors Chesebro have never received their full allotment of decreed water. Objectors Chesebro have a measuring device in their delivery ditch; however, they have not measured the water in recent times.

(Testimony of Objectors Chesebro and Department's Exhibit 1.)

17. Objector Brown has filed Statements of Claim No. W004081-76H and W004082-76H. Statement of Claim No. W004081-76H claims a decreed right for 1.0 cfs of the waters of Willow Creek for irrigation. Statement of Claim No. W004082-76H claims a decreed right for 3.0 cfs of the waters of Willow Creek for irrigation. Objector Brown has also filed as part owner of the water right claimed by Statements of Claim No. W004080-76H and W004082-76H, both for irrigation with a decreed flow rate of 2.25 cfs each. (Testimony of Objector Brown and Department's Exhibit 1.)

18. Objector Lavender has filed as part owner of the water rights claimed by Statements of Claim No. W004080-76H and W004079-76H, both for irrigation with a decreed flow rate of 2.25 cfs each. (Testimony of Objector Lavender and Department's Exhibit 1.)

19. Objectors Brown, Chesebro, and Lavender share a water right. Objector Brown sold parts of his property to the Chesebros and the Lavenders, at the same time conveying a portion of the underlying water right to each. (Testimony of Objector Brown and Department records.)

20. Objectors Lavender, Chesebro, Brown and Hosko share a common point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 which is approximately one-quarter of a mile downstream from the proposed point of diversion. Although Department's Exhibit 1 indicates more than one point of diversion, these Objectors spoke

of only one point of diversion during the hearing. (Department's Exhibit 1 and testimony of Objectors Hosko, Lavender, Chesebro, and Brown.)

21. Objectors Brown, Chesebro, Lavender, and Hosko have worked out a system of sharing the available water so that everyone gets some water. This system has worked very well even though they have never received their full allotment of water. There have been no disagreements and a water commissioner has not been required in recent years. These Objectors do not want to hire and pay a water commissioner on a full-time basis as the Applicant proposes. (Testimony of Joan Chesebro and Objector Brown.)

22. Objector Daly Ditches Irrigation District has filed Statement of Claim No. Z119877-76H for a decreed right to 11 cfs of the waters of Willow Creek for irrigation and Statement of Claim No. Z119884-76H for a decreed right to 5.0 cfs of the waters of Willow Creek for stock water. Daly Ditches Irrigation District diverts water from Willow Creek at a point in Section 3. The waters of Willow Creek claimed by Daly Ditches are return flow from upstream uses and are diverted into the Hedge Ditch to further supply downstream users. Daly Ditches Irrigation District has never received its full allotment from Willow Creek. Daly Ditches Irrigation District contends that any appropriation from the tributaries of Willow Creek will further diminish the amount of water available to Daly Ditches. Daly Ditches Irrigation District is the last appropriator on Willow Creek

which places them at a disadvantage regardless of their priority date. Daly Ditches Irrigation District was at one time known as Ravalli Land and Irrigation Company and was one of the plaintiffs in John A. Hull, et al v. Edward Applebury, et al, Case 931, the Willow Creek Decree, which became final on December 30, 1908. The Daly Ditches Irrigation District has water rights dating from 1864 to 1888. (Testimony of Susie Birse, Department's Exhibit 1, and Department records.)

23. The Bitterroot Irrigation District was completed in 1909 and 1910. The main source of supply for this project is from Lake Como and Rock Creek. Additional sources of water are supplied to the Bitterroot Irrigation District from Willow, Burnt Fork, Lost Horse, Skalkaho, Ambrose, Three Mile, Gray Horse, and Wheelbarrow Creeks. The District also claims some of the waters of South Birch Creek and Willoughby Creek. The water rights on Willow Creek held by the Bitterroot Irrigation District have priority dates ranging from 1860 to 1892. (Department's Exhibit 2.)

24. There are no other planned uses for which a permit has been issued or for which water has been reserved that may be adversely affected by the proposed use.

Based upon the foregoing Findings of Fact and upon the record in this matter, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Department gave proper notice of the hearing, and all relevant substantive and procedural requirements of law or

rule have been fulfilled, therefore, the matter was properly before the Hearing Examiner.

2. The Department has jurisdiction over the subject matter herein, and all the parties hereto.

3. The Department must issue a Beneficial Water Use Permit if the Applicant proves by substantial credible evidence that the following criteria set forth in § 85-2-311(1) and (4), MCA, are met:

(a) there are unappropriated waters in the source of supply at the proposed point of diversion:

(i) at times when the water can be put to the use proposed by the applicant;

(ii) in the amount the applicant seeks to appropriate; and

(iii) during the period in which the applicant seeks to appropriate, the amount requested is reasonably available;

(b) the water rights of a prior appropriator will not be adversely affected;

(c) the proposed means of diversion, construction, and operation of the appropriation works are adequate;

(d) the proposed use of water is a beneficial use;

(e) the proposed use will not interfere unreasonably with other planned uses or developments for which a permit has been issued or for which water has been reserved; and

(f) the applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

...
(4) To meet the substantial credible evidence standard in this section, the applicant shall submit independent hydrologic or other evidence, including water supply data, field reports, and other information developed by the department, the U.S. geological survey, or the U.S. soil conservation service and other specific field studies, demonstrating that the criteria are met.

4. The proposed use, irrigation, is a beneficial use. See § 85-2-102(a), MCA.

5. Applicants have possessory interest in the property where the water is to be put to beneficial use. See Finding of Fact 8.

6. The proposed use will not interfere unreasonably with other planned uses or developments for which a permit has been issued or for which water has been reserved. See Finding of Fact 24.

7. The proposed means of diversion and construction are adequate. See Finding of Fact 5. However, the proposed means of operation is questionable. Applicant did not discuss any aspect of the proposed operation except his refusal to release water when called to do so unless the prior water right owner had installed a "legal" weir. See Finding of Fact 7.

Applicant's understanding of Montana water law is in error. Title 85, the Montana Water Use Act, does not describe acceptable or "legal" measuring devices. Nor does it provide that a water user who does not have a measuring weir to "Montana standards", will receive no water. The only part of Title 85, Montana Code Annotated which may have led to Applicant's misconceptions is § 85-5-302, MCA, which states in relevant part,

All persons using water under a decree from any stream or ditch whereon a water commissioner is appointed shall be required to have suitable headgates at the point where a ditch taps a stream and shall also, at some suitable place on the ditch and as near the head as practicable, place and maintain a proper measuring box, weir, or

other appliance for the measurement of the waters flowing in such ditch. In case any person or persons shall fail to place or maintain a proper measuring appliance, it shall be the duty of such water commissioner not to apportion or distribute any water through said ditch. . . .

This statute applies only to streams or ditches that have a water commissioner. This statute does not, nor does any other in Title 85, Montana Code Annotated, describe "legal" measuring devices.

Section 85-2-103(3), MCA, set the standards of measurement, but does not address the methods of measurements.

8. Applicant has proved by substantial credible evidence the availability of unappropriated water in the source of supply at the proposed point of diversion in the amount requested and that during the proposed period of diversion the amount requested is reasonably available. See Findings of Fact 9. The test for availability of unappropriated water consists of proving the physical presence of water at the intended point of diversion. See § 85-2-311(1)(a); In re Application No. 72399-s41D by United States; In re Application No. 70511-s76LJ by Winter Sports, Inc.; In re Application No. 63997-g42M by Crisafulli; Department of Natural Resources and Conservation Summary Report: Clark Fork Basin Water Use (1990).

9. Applicant has not provided substantial credible evidence the water rights of prior appropriators will not be adversely affected. Although Applicant alleges that if the water were measured as it is appropriated, there would be excess water, he

provided no evidence to substantiate this allegation. Bare assertion that water rights are not administered properly, does not establish unappropriated water in the stream. The Objector have operated under a water commissioner who required measuring devices and still did not receive their allotted amount of water.

Applicant did submit a measurement that established unappropriated water on September 10, 1990. However most of the water appropriated for irrigation earlier in the season will return to the streams in the fall of the year; therefore, one measurement in September is not substantial credible evidence. See Findings of Fact 9, 10, 16, 21, and 22.

10. Applicant's belief that the water in Charley's Gulch can be legally captured before it reaches Willow Creek even though it contributes 30 percent of Willow Creek Flow is erroneous. See Finding of Fact 12. It is true that one can capture and put to beneficial use "vagrant fugitive" waters before they collect in a natural lake or stream. However, when vagrant and fugitive waters have finally collected and reached natural channel, they lose their original character as seepage, percolation, or waste waters, and flow with regularity from year to year in such natural channel constitute water course within the meaning of the law of water rights. A natural water course is a living stream with well-defined banks and channel, not necessarily flowing at all times, but fed from other and more permanent sources than mere seepage, waste water, and return flows. The channel may at times be dry, so long as to a certain

glance it bears the unmistakable impression of frequent action of water which has flowed through it from time immemorable. See Popham v. Holoran, 84 Mont. 442, 275 P. 1099 (1929). Charley's Gulch is a natural water course. See Finding of Fact 11.

11. The Bitterroot Irrigation District has been contributing to the waters of Charley's Gulch with seepage and return flows since 1910. The seepage and return flows, once they enter Charley's Gulch, cannot be separated from the body of the waters of Charley's Gulch. However, these waters were not included in the Willow Creek Decree since the main canal was not completed until 1910, although some of the ditch was in use in 1909, and the Willow Creek Decree became final in 1908. See Findings of Fact 11 and 23. In 1943, Objectors Hosko's predecessors began to use this waste water because their priority date was so high they could not receive decreed water. See Finding of Fact 15. In 1966, Objectors Cox's predecessor began to use water from Willow Creek. There is no evidence this property was included in the Willow Creek Decree; therefore, one must conclude this was also an appropriation of waste water and return flow. See Findings of Fact 14. Therefore, in the absence of evidence to the contrary, one must conclude there are no unappropriated waters in Charley's Gulch.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

PROPOSED ORDER

Application for Beneficial Water Use Permit No. 75737-s76H

CASE # 75737

by Burns E. and Wilma B. Finlayson and Alan J. and Gayla W. Finlayson is hereby denied.

NOTICE

This proposal may be adopted as the Department's final decision unless timely exceptions are filed as described below. Any party adversely affected by this Proposal for Decision may file exceptions with the Hearing Examiner. The exceptions must be filed and served upon all parties within 20 days after the proposal is mailed. Parties may file responses to any exception filed by another party within 20 days after service of the exception. However, no new evidence will be considered.

No final decision shall be made until after the expiration of the time period for filing exceptions, and due consideration of timely exceptions, responses, and briefs.

Dated this 30th day of August, 1991.

Cindy M. Campbell for Vivian A. Lighthizer
Vivian A. Lighthizer
Hearing Examiner
Department of Natural Resources
and Conservation
1520 East 6th Avenue
Helena, Montana 59620
(406) 444-6625

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Proposal for Decision was duly served upon all parties of record at their address or addresses this 30th day of August, 1991 as follows:

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